

### **ALLOWANCE**

This action is in response to Applicant's submission dated August 26, 2008, in which Applicant cancelled claims 3-4, 6, 8, 21, and 35. Claims 1-2, 5, 7, 9-20, 22-24, 30-34, and 36-37 are allowed.

#### ***Claim Rejections - 35 USC § 112***

Examiner previously rejected claims 3-4 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement because the specification does not enable the instant compounds to inhibit hYAK3 and/or MK2 proteins in a mammal or treat a disorder selected from neutropenia; cytopenia; anemias, including cancer; polycythemia; myelosuppression; arthritis; COPD; asthma; psoriasis; acute neuronal injury; heart failure; stroke; and ischemia reperfusion injury using an effective amount of a compound corresponding of formula I or enable one skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims.

Because Applicant has cancelled claims 3-4, Applicant has overcome this rejection.

Examiner previously rejected claim 4 under 35 U.S.C. 112, first paragraph, because the specification does not reasonably provide enablement for preventing diseases. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to use the invention commensurate in scope with these claims.

Because Applicant has cancelled claim 4, Applicant has overcome this rejection.

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Examiner previously rejected claims 1-37 under 35 U.S.C. 112, first paragraph, because the specification does not reasonably provide enablement for making solvates of the claimed invention. The specification does not enable a person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Because Applicant has deleted the term “solvates” from the claims, Examiner withdraws this rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Erich A. Leeser whose telephone number is 571-272-9932. The Examiner can normally be reached Monday through Friday from 8:30 to 6:00 EST.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. James O. Wilson can be reached at 571-272-0661. The fax number for the organization where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197. If you

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would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Erich A. Leeser/

**/James O. Wilson/**

**Supervisory Patent Examiner, Art Unit 1624**

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